

## EPA REOPENS BROWNFIELD GRANT APPLICATIONS UNTIL MARCH 9

The federal fiscal year 2004 budget for EPA that was signed into law on January 23, 2004 eliminated "date of purchase" restrictions on eligibility for federal brownfield grants - for this federal fiscal year only. In other words, assessment, cleanup and revolving loan fund grant applications that were due on December 4, 2003 are now open to applicants that were previously ineligible due to the date that they purchased a property. EPA amended the federal register on February 10, 2004, allowing applications for specific sites that were previously ineligible until 6 p.m. EST on March 9, 2004. Potential applicants who decided not to pursue a grant, or others who omitted specific properties from their grant applications due to the date of purchase restriction, may now want to submit an application. Local governments are eligible to apply for these grants, and non-profit organizations may also apply for the cleanup grants.

EPA's original guidelines did not allow eligibility if the applicant was potentially liable for cleanup under Superfund. Most properties purchased by an applicant prior to January 11, 2002 were ineligible under the original guidelines. Under the new provisions, an applicant can be eligible for a grant by meeting the "bona fide prospective purchaser" criteria for property purchased before January 11, 2002. These criteria are similar to conducting a phase 1 environmental site assessment. More information about bona fide prospective purchasers is available at

<http://www.epa.gov/compliance/resources/policies/cleanup/superfund/common-elem-ref.pdf>

Those who wish to apply or reapply within the new March 9 "window" should consider these factors:

- EPA is only accepting applications for sites that are newly eligible based on the new criterion. The applicant must identify specific properties that fit the criterion.
- The application window does not apply to petroleum-only contaminated sites.
- The applicant must not be affiliated with someone that is responsible for the contamination.
- The applicant must have conducted "all appropriate inquiry" prior to purchase of the property. This means the applicant has performed "all appropriate inquiry", at a minimum a phase 1 investigation, prior to purchase. The results of the appropriate inquiry may indicate contamination and the property can still be eligible for a grant.
- Applicants must initiate the community notification procedures again if these were conducted for previous federal fiscal year applications. However, the public comment does not have to be closed prior to March 9<sup>th</sup>. Applicants must also obtain a new letter of support from DNR if they received a letter for a previous fiscal year.
- All other provisions of EPA's "Proposal Guidelines for Brownfields Assessment, Revolving Loan Fund, and Cleanup Grants" (publication EPA-500-F-03-244, Oct. 2003) apply.

For more information, please see EPA's web site at <http://www.epa.gov/swerosps/bf/applicat.htm> and DNR's federal brownfields grant information at [http://dnr.wi.gov/org/aw/rr/financial/federal\\_brfllds.html](http://dnr.wi.gov/org/aw/rr/financial/federal_brfllds.html).